

HOUSE No. 1866

By Mr. Walsh of Boston, petition of Martin J. Walsh and others to provide a safe workplace for employees of the commonwealth, its independent authorities and other political subdivisions. Labor and Workforce Development.

The Commonwealth of Massachusetts

PETITION OF:

Martin J. Walsh
Kay Khan
John W. Scibak

Benjamin Swan
Michael E. Festa
Denise Provost

In the Year Two Thousand and Seven.

AN ACT TO PROVIDE A SAFE WORKPLACE FOR EMPLOYEES OF THE COMMONWEALTH, ITS INDEPENDENT AUTHORITIES AND OTHER POLITICAL SUBDIVISIONS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 Chapter 149 of the General Laws is hereby amended inserting a
- 2 new section 40 as follows:
- 3 a) Notwithstanding any general or special law to the contrary, the
- 4 division of occupational safety shall apply federal occupational and
- 5 health standards applicable to private sector employees to employees
- 6 of the Commonwealth, its independent authorities and other political
- 7 subdivisions. Such standards shall include all statutory and regula-
- 8 tory requirements enforced by the occupational safety and health
- 9 administration with respect to private sector employees, including,
- 10 without limiting the generality of the foregoing, the general duty
- 11 clause. Nothing herein shall affect any state standard that exceeds
- 12 the standards applied by the occupational health and safety adminis-
- 13 tration.
- 14 (b) The division shall have authority to conduct investigations.
- 15 The commissioner shall have authority to issue subpoenas and sub-
- 16 poenas duces tecum to compel the attendance of witnesses and/or
- 17 the production of documents.

18 (c) The commissioner of the division may promulgate regulations
19 and may issue corrective orders where he has found a violation of
20 this section or regulations promulgated hereunder. Proceedings con-
21 cerning the issuance of regulations or corrective orders to public
22 officials shall be adjudicatory proceedings pursuant to chapter 30A
23 and shall be subject to judicial review accordingly.

24 (d) With respect to the exercise of its responsibilities under this
25 section, the division shall be within the department of labor but not
26 subject to its direction and control.

27 (e) The effective date of this section with respect to cities and
28 towns shall be subject to the provisions of section 27C of chapter 29
29 of the General Laws.

30 (f) The provisions of this act shall not apply to the fire services of
31 the Commonwealth, its independent authorities or other political
32 subdivisions.